

REMARKS AND DISCUSSION

Upon entry of the present Amendment, claims 1-16 remain in the application. Of these, claims 1, 7, 11 and 15 are each independent. Claims 1, 7, 11 and 15 are amended herein. The amendments are clearly supported in the specification, whereby no new matter is added to the application. The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted.

It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

AMENDMENTS PRESENTED

In the Claims: Applicant has amended each of the independent claims 1, 7, 11 and 15 herein to more particularly point out and distinctly claim the invention. Specifically, claim 1, 7, 11 and 14 further defines that the performance evaluation comments are phrases which aid the operator in improving his/her driving skills.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings, specification and claims, and directly pertain to important aspects of the present invention. Specifically, Applicant submits that the above amendments to claims 1, 7, 11 and 15 are shown/taught in Figures 8 and 10-13 of the original specification, along with the corresponding discussion of same. Applicant also respectfully submits that no new matter is introduced into the application by the above amendments because the entire subject matter thereof was expressly or inherently disclosed in the original claims, specification and drawings.

CLAIM OBJECTIONS

At page 2, item 1 of the Office Action, the Examiner has objected to claim 15 because of the following informalities: in the selector limitation, the claim should read as follows "...in a running route upon the driving simulation apparatus, ..." in order to overcome the antecedent basis issue. Appropriate correction is required.

Applicant's Response

Applicant has carefully considered the Examiner's objection and respectfully traverses such objection, as this objection was already addressed/corrected in the Supplemental Amendment - E - 1 filed 25 August 2009, wherein claim 15 was amended according to the Examiner's above suggested corrections. As such, applicant respectfully submits that the Examiner's objection to claim 15 has been overcome, and it is respectfully requested that such objection be reconsidered and withdrawn.

CLAIM REJECTIONS - 35 USC §103(a)

At items 3, 4, 5, 6, 7 and 8 of the Office Action, the Examiner has rejected claims 1-7 and 9-16 under 35 USC 103(a) as being unpatentable over various combinations of the previously applied references of Busse et al. '161, Aoki '017, Scott '812, Aoki '550, Huston '143, Walker et al. '161 and Brink et al. '743. In her rejections, the Examiner has maintained the exact same arguments she presented in the Office Action of 28 November 2009 (with a few minor changes to accommodate the amendments presented in Amendment E). At item 10 however, the Examiner has presented a Response to the Arguments which were included in the Amendment E filed 27 February 2009 (and the Supplemental Amendment - E - 1 filed 25 August 2009). In her Response to Arguments, the Examiner states that in her view, Busse discloses automatically selecting and displaying performance evaluation comments.

Further the Examiner notes that the features of applicant's invention, which the applicant

aserts are not disclosed by the reference (i.e., the performance evaluation comments of the present invention are constructive comments that come in the form of a phrase that aid the operator in improving his/her driving skills), are not recited in the rejected claims.

In response to the argument that there is no motivation to combine the references, the Examiner states that paragraph 0068 specifically states that in her view, the invention of Busse is not limited to the disclosed embodiments and Aoki teaches in column 25 lines 25-29 that more modifications are possible. Further, going to the argument that Busse is non-analogous art, the Examiner states that in her view, Busse discloses simulated environments. Going to the argument that Walker is non-analogous art, the Examiner states that in her view, Walker is analogous art via the conclusion paragraphs 0287, 0289 and 0290. Going to the argument that Brink teaches away from the present invention, the Examiner states that in her view, Brink is merely being used to teach different ways of communicating comments. Going to the argument that Brink is non-analogous art, the Examiner states that in her view, Brink discloses an invention which relates to the field of skill-based games (paragraph 0001).

As regards claims 7-10, the Examiner merely makes arguments similar to those above while further stating that in paragraph 0023, and because it is an inherent result of the method and prior art showing that when the player races several times the player will only get better because the player knows the track, the player applies what they learned in the first track. Further, the Examiner states that in an apparatus claim "wherein" is limiting if it further limits the structure and in this case, it does not.

Applicant's Response

Applicant has carefully considered the rejection/arguments of the Examiner and the applied references and respectfully traverses such rejection for those reasons as stated in Amendments D, E and Supplemental Amendment E-1, which are not overcome by any additional remarks/arguments

presented by the Examiner. Specifically, many of the arguments presented by the Examiner which go to refuting that the references of Busse, Walker, and Brink being non-analogous art or that such references teach away from the claimed invention, the Examiner is merely making conclusory statements maintaining that in her view, such art is analogous and that such modification are proper based on the “catch-all” conclusion paragraphs at the end of the specification. Thus, the above noted rejections are incorrect because they are based exclusively on the Examiner’s use of impermissible hindsight, rather than from any specific teaching of the prior art. Further, as stated in previous amendments and contrary to the Examiner’s arguments, Busse fails to disclose a selector which automatically selects performance evaluation comments based on operator input in a simulated driving route sequence. Further still, the deficiencies of the Busse reference are not taught by or even suggested by any of the applied references when considered singly or in combination thereof.

Relative to the Examiner’s rejections which rely on the prior art reference of Busse, applicant again notes that Busse discloses a video race car simulation that which displays compiled performance statistics and attributes, is significantly different than the claimed invention, which automatically selects and displays performance evaluation comments. The Examiner’s assertion that the performance statistics of Busse are the same as the performance evaluation comments of the claimed invention is not justified based on the actual teachings contained within Busse. The Examiner merely states that the performance statistics are store in a memory 52 and are used in making a determination of the outcome of the game and further that (inherently) the information must be stored somewhere in order for it to be displayed. While it may be true that the performance statistics are first stored before they are displayed this is not the same as the claimed invention. Again, the system of Busse simply displays simulated gauges which display actual readings taken from various sensors within the simulator. Thus there is no automatic selection required with such a visual display. Further, Busse also discloses that options for the player to choose from that are

displayed for the player at set intervals or at set times during the simulated race. These selectable queries, just as the performance statistics displayed to the player, are not equivalent to the performance evaluation comments of the present invention. Thus, Busse discloses numerical statistics that are compiled by the simulation mode to simulate full or partial game play. Distinct from this, the performance evaluation comments of the present invention are constructive comments that come in the form of a phrase that aid the operator in improving his/her driving skills.

Relative to Walker and Brink, specifically regarding the Examiner's arguments against those arguments presented in Amendment E, applicant, again, respectfully traverses Examiner's arguments, as they are unsubstantiated and merely conclusory statements. The Examiner merely references the "boiler plate" type language in the Conclusion section of the Specification of Walker, wherein Walker states that the invention as disclosed may be practiced with modifications or alterations and still be within the spirit and scope of the claims.

Also, the Examiner uses the simple (very broad) statement in the first sentence of the first paragraph of Brink stating that Brink relates to the field of skill based games, without looking further in the sentence wherein the skill based games are competitive livestock judging games (not racing games). As such, the Examiner's has not presented any evidence against the arguments presented in Amendment-D or Amendment- E to support her position that Walker or Brink is analogous art to the claimed invention.

Accordingly, applicant traverses the above ground of rejection, and requests reconsideration and withdrawal thereof.

However, in an effort to expedite prosecution of the claimed invention, claims 1, 7, 11 and 15 have been further amended herein to more specifically define that the performance evaluation comments are phrases which aid the operator in improving his or her driving skills.

Based on the foregoing, applicant respectfully submits that the rejection of claims 1-7 & 9-16 under 35 USC 103(a), has been overcome, and it is respectfully requested that such rejection be reconsidered and withdrawn.

CONCLUSION

In conclusion, applicant has overcome the Examiner's rejections of record. While applicant has considered all of the references of record, it is respectfully submitted that the interactive driving simulation apparatus as defined by the present claims, patentably distinguishes over all of the art of record, whether such art is considered individually or in any reasonable combination.

Accordingly, applicant respectfully requests reconsideration and withdrawal of all grounds of rejection, and allowance of each of the pending claims, in light of the present amendments and arguments.

If the Examiner is not fully convinced of the allowability of all of the claims now in the application, Applicant respectfully requests that the Examiner telephonically contact Applicant's undersigned representative to expeditiously resolve any issues remaining in the prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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